

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MATTHEW R. RUTH,

Plaintiff,

v.

PATRICK GLEBE, et al.,

Defendants.

CASE NO. C14-1388 BHS-DWC

ORDER DECLINING TO ADOPT  
REPORT AND  
RECOMMENDATION AND  
DENYING OBJECTIONS TO  
NONDISPOSITIVE ORDER

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge (Dkt. 46), Plaintiff Matthew Ruth’s (“Ruth”) objections to the R&R (Dkt. 50), and Ruth’s objections to Judge Christel’s order refusing to provide exhibits (Dkt. 53).

**A. R&R**

On November 5, 2015, Judge Christel issued the R&R recommending that the Court deny Ruth’s motion for a temporary restraining order because the Court had previously determined that Ruth had failed to state a claim and Ruth had not filed an amended complaint asserting a cognizable claim and because Ruth improperly requested injunctive relief against individuals who were not parties to the suit. Dkt. 46. On

1 November 6, 2015, Ruth filed an amended complaint. Dkt. 47. On November 13, 2015,  
2 Ruth filed objections. Dkt. 50.

3 The district judge must determine de novo any part of the magistrate judge's  
4 disposition that has been properly objected to. The district judge may accept, reject, or  
5 modify the recommended disposition; receive further evidence; or return the matter to the  
6 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

7 In this case, the Court concludes that the motion for temporary relief should be  
8 evaluated in light of Ruth's amended complaint. Judge Christel did not have the  
9 opportunity to review the amended complaint before issuing the R&R. Thus, the Court  
10 declines to adopt the R&R recommending denial of Ruth's motion and refers the matter  
11 for further consideration in light of the amended complaint.

## 12 **B. Discovery Objections**

13 On October 27, 2015, Ruth filed a motion for production of exhibits from the  
14 original complaint. Dkt. 42. On November 16, 2015, Judge Christel denied Ruth's  
15 motion informing Ruth that he must pay \$0.50 per page to receive copies from the Court.  
16 Dkt. 52. On November 19, 2015, Ruth filed objections and included a request to appoint  
17 counsel. Dkt. 53. On November 24, 2015, Defendants responded. Dkt. 54. On  
18 December 2, 2015, Ruth replied. Dkt. 56.

19 When a plaintiff files objections to nondispositive matters, the district judge in the  
20 case must consider timely objections and modify or set aside any part of the order that is  
21 clearly erroneous or is contrary to law. Fed. R. Civ. P. 72(a).


1 First, Ruth's objections to Judge Christel's order are without merit. No part of the  
2 order is clearly erroneous or contrary to law. If Ruth wants documents from the Court, he  
3 must pay for them. If Ruth wants documents from Defendants, he may use the discovery  
4 procedures. The Court denies Ruth's objections.

5 Second, Ruth has improperly added a request to appoint counsel in his objections.  
6 The Court declines to consider the request

7 Therefore, the Court having considered the R&R, Ruth's objections, and the  
8 remaining record, does hereby find and order as follows:

- 9 (1) The Court **DECLINES to ADOPT** the R&R;  
10 (2) Ruth's objections to Judge Christel's nondispositive order are **DENIED**;  
11 and  
12 (3) The matter is **REFERRED** for further consideration.

13 Dated this 14th day of December, 2015.

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16 BENJAMIN H. SETTLE  
17 United States District Judge  
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